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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,634	10/31/2003	Cynthia A. McGuire	03226/335001	3092

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OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

EXAMINER
CHU, GABRIEL L

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/699,634	MCGUIRE ET AL.
	Examiner	Art Unit
	Gabriel L. Chu	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37,53,63 and 65-70* is/are rejected.

7)☒ Claim(s) *38-52,54-62 and 64* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All · b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *20040218*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 34, 65 objected to because of the following informalities:

Referring to claim 34, "used to diagnosis" is understood to refer to "used to diagnose".

Referring to claim 65, "comprising" is understood to refer to "comprises".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   **Claims 2, 23, 35, 53, 66-70 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Referring to claim 2, 35, 66, the first "the fault" is understood to refer to "a fault", "the fault", lacking antecedent basis. It is not clear if Applicant intends this to refer to an only fault that may cause an error, but, as from paragraph 1 of Applicant's specification, "A fault is a defect that may produce an error", which does not provide for "only", and therefore does not provide any clear antecedence.

4.   Referring to claim 23, 53, it is not clear whether Applicant has intended to refer to the "error event" or "fault event".

5.   Referring to claim 66, and subsequently claims 67-70, "the error handler executes on any node", "the fault manager executes on any node", and "the fault management architecture agent executes on any node" is not clear. This may be interpreted as "the error handler may execute on any node", "the fault manager may execute on any node", and "the fault management architecture agent may execute on any node" or "the error handler executes on all nodes", "the fault manager executes on all nodes", and "the fault management architecture agent executes on all nodes" or perhaps that some instance of a handler/manager/agent executes on each/some/all node.

6.   Referring to claim 68, "the fault manager on a first node" has no clear antecedence, further made unclear by the "executes on any" language of claim 66.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6-34 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Referring to claims 1-4, 6-34, the claimed invention has not described an invention that is useful, concrete, and tangible. The focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." Specifically, these claims describe the manipulation of data, but no practical application thereof. The process claim must set forth a practical application to produce a

real-world result. For example, claims 35 and 66 claim initiating an action in accordance with the fault event.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   **Claims 1-7, 33, 35-37, 63, 65 rejected under 35 U.S.C. 102(e) as being anticipated by US 6898737 to Goeller et al.** Referring to claim 1, Goeller discloses detecting an error (From line 31 of column 3, "Typically, the client will generate various event data messages that require support. Usually, the user at the client site will want to report the event requiring support in order to receive assistance. Included in the present invention is an agent residing on the client that recognizes the occurrence of an event requiring support.");

gathering data associated with the error to generate an error event (From line 37 of column 3, "Upon the occurrence of an event requiring support and the authorization of the user to report the event to the server, the client resident agent collects data associated with the event and transmits a message containing the event data to the server.");

and categorizing the error event using a hierarchical organization of the error

event (From line 42 of column 3, "The server then receives and stores the event data

contained in the message from the client. The server applies the event data to a trained

set of support vector machines that classifies the event data. After classifying the event

data, the trained set of support vector machines returns category probability scores.

The category probability scores approximate how well the event data fits into one or

more categories. The server uses the category probability scores to determine whether

the event data should be identified as belonging to one or more categories.").

10.   Referring to claim 2, Goeller discloses diagnosing the error using the error event

to generate a fault; generating a fault event using the fault (From line 51 of column 3, "In

an actual embodiment of the present invention, the category is identified as matching

the event data by comparing the category probability score with a threshold value. If the

category probability exceeds the threshold value, the event data is identified as

matching the category. Another embodiment of the present invention utilizes multiple

threshold values to identify matching categories to which the event data belongs.

According to the present invention, the server formulates a response based on the

results of the support vector classification of the event data and the identification of

matching categories. If one or more matching categories are identified, the server

formulates a response containing resolution information based upon the one or more

matching categories.");

        and categorizing the fault event using a hierarchical organization of the fault

event (From line 65 of column 3, "According to one embodiment of the present

invention, formulating the response includes prioritizing the matching categories in order

of highest to lowest probability of causing the event requiring support.").

11.   Referring to claim 3, Goeller disclose organizing the fault event using an error

numeric association component, wherein the error numeric association component

uniquely identifies the error event (From line 43 of column 3, "The server applies the

event data to a trained set of support vector machines that classifies the event data.

After classifying the event data, the trained set of support vector machines returns

category probability scores. The category probability scores approximate how well the

event data fits into one or more categories. The server uses the category probability

scores to determine whether the event data should be identified as belonging to one or

more categories. In an actual embodiment of the present invention, the category is

identified as matching the event data by comparing the category probability score with a

threshold value. If the category probability exceeds the threshold value, the event data

is identified as matching the category. Another embodiment of the present invention

utilizes multiple threshold values to identify matching categories to which the event data

belongs. According to the present invention, the server formulates a response based on

the results of the support vector classification of the event data and the identification of

matching categories. If one or more matching categories are identified, the server

formulates a response containing resolution information based upon the one or more

matching categories. According to one embodiment of the present invention,

formulating the response includes prioritizing the matching categories in order of highest

to lowest probability of causing the event requiring support.").

12.   Referring to claim 4, Goeller discloses a class component of the fault event

defines a name of the fault event in accordance with the hierarchical organization (From

line 43 of column 3, "The server applies the event data to a trained set of support vector

machines that classifies the event data. After classifying the event data, the trained set

of support vector machines returns category probability scores. The category

probability scores approximate how well the event data fits into one or more categories.

The server uses the category probability scores to determine whether the event data

should be identified as belonging to one or more categories. In an actual embodiment

of the present invention, the category is identified as matching the event data by

comparing the category probability score with a threshold value. If the category

probability exceeds the threshold value, the event data is identified as matching the

category. Another embodiment of the present invention utilizes multiple threshold

values to identify matching categories to which the event data belongs. According to the

present invention, the server formulates a response based on the results of the support

vector classification of the event data and the identification of matching categories. If

one or more matching categories are identified, the server formulates a response

containing resolution information based upon the one or more matching categories.

According to one embodiment of the present invention, formulating the response

includes prioritizing the matching categories in order of highest to lowest probability of

causing the event requiring support.").

13.   Referring to claim 5, Goeller discloses forwarding the fault event to a fault

management architecture agent (From line 5 of column 4, "Finally, the client receives

the response containing resolution information specific to the identified matching

category. If the resolution requires user action, the client generates instructions in user-

understandable terms. In accordance with one embodiment of the present invention,

the response may also contain a software update or a change to the system settings to

resolve the event requiring support. According to different embodiments of the present

invention, one or more of these remedies may be included in the response.").

14.   Referring to claim 6, Goeller discloses organizing the error event using an error

numeric association component, wherein the error numeric association component

uniquely identifies the error event (From line 43 of column 3, "The server applies the

event data to a trained set of support vector machines that classifies the event data.

After classifying the event data, the trained set of support vector machines returns

category probability scores. The category probability scores approximate how well the

event data fits into one or more categories. The server uses the category probability

scores to determine whether the event data should be identified as belonging to one or

more categories. In an actual embodiment of the present invention, the category is

identified as matching the event data by comparing the category probability score with a

threshold value. If the category probability exceeds the threshold value, the event data

is identified as matching the category. Another embodiment of the present invention

utilizes multiple threshold values to identify matching categories to which the event data

belongs. According to the present invention, the server formulates a response based on

the results of the support vector classification of the event data and the identification of

matching categories. If one or more matching categories are identified, the server

formulates a response containing resolution information based upon the one or more

matching categories. According to one embodiment of the present invention,

formulating the response includes prioritizing the matching categories in order of highest

to lowest probability of causing the event requiring support.").

15.   Referring to claim 7, Goeller discloses a class component of the error event

defines a name of the error event in accordance with the hierarchical organization

(From line 43 of column 3, "The server applies the event data to a trained set of support

vector machines that classifies the event data. After classifying the event data, the

trained set of support vector machines returns category probability scores.").

16.   Referring to claim 33, 63, Goeller discloses generating a fault event comprises

associating the fault event with a suspect list (From line 65 of column 3, "According to

one embodiment of the present invention, formulating the response includes prioritizing

the matching categories in order of highest to lowest probability of causing the event

requiring support.").

17.   Referring to claim 35, Goeller discloses an error handler detecting an error and

generating an error event using the error, wherein the error is defined using a

hierarchical organization of the error event (see rejection of claim 1 above);

a fault manager diagnosing the error event to obtain the fault and generating a

fault event using the fault, wherein the fault event is defined using a hierarchical

organization of the fault event (see rejection of claim 2 above);

and a fault management architecture agent receiving the fault event and initiation

an action in accordance with the fault event (From line 51 of column 3, "In an actual

embodiment of the present invention, the category is identified as matching the event

data by comparing the category probability score with a threshold value. If the category

probability exceeds the threshold value, the event data is identified as matching the

category. Another embodiment of the present invention utilizes multiple threshold

values to identify matching categories to which the event data belongs. According to the

present invention, the server formulates a response based on the results of the support

vector classification of the event data and the identification of matching categories. If

one or more matching categories are identified, the server formulates a response

containing resolution information based upon the one or more matching categories.").

18.   Referring to claim 36, Goeller discloses the fault manager organizes the error

event using an error numeric association component of the error event (From line 43 of

column 3, "The server applies the event data to a trained set of support vector machines

that classifies the event data. After classifying the event data, the trained set of support

vector machines returns category probability scores. The category probability scores

approximate how well the event data fits into one or more categories. The server uses

the category probability scores to determine whether the event data should be identified

as belonging to one or more categories. In an actual embodiment of the present

invention, the category is identified as matching the event data by comparing the

category probability score with a threshold value. If the category probability exceeds

the threshold value, the event data is identified as matching the category. Another

embodiment of the present invention utilizes multiple threshold values to identify

matching categories to which the event data belongs. According to the present

invention, the server formulates a response based on the results of the support vector classification of the event data and the identification of matching categories. If one or more matching categories are identified, the server formulates a response containing resolution information based upon the one or more matching categories. According to one embodiment of the present invention, formulating the response includes prioritizing the matching categories in order of highest to lowest probability of causing the event requiring support.").

19.   Referring to claim 37, Goeller discloses the fault management architecture agent organizes the fault event using an error numeric association component of the fault event (From line 43 of column 3, "The server applies the event data to a trained set of support vector machines that classifies the event data. After classifying the event data, the trained set of support vector machines returns category probability scores. The category probability scores approximate how well the event data fits into one or more categories. The server uses the category probability scores to determine whether the event data should be identified as belonging to one or more categories. In an actual embodiment of the present invention, the category is identified as matching the event data by comparing the category probability score with a threshold value. If the category probability exceeds the threshold value, the event data is identified as matching the category. Another embodiment of the present invention utilizes multiple threshold values to identify matching categories to which the event data belongs. According to the present invention, the server formulates a response based on the results of the support vector classification of the event data and the identification of matching categories. If

one or more matching categories are identified, the server formulates a response

containing resolution information based upon the one or more matching categories.

According to one embodiment of the present invention, formulating the response

includes prioritizing the matching categories in order of highest to lowest probability of

causing the event requiring support.").

20.   Referring to claim 65, Goeller discloses diagnosing the error event comprises

forwarding the error event to a diagnosis engine (From line 37 of column 3, "Upon the

occurrence of an event requiring support and the authorization of the user to report the

event to the server, the client resident agent collects data associated with the event and

transmits a message containing the event data to the server.").

Allowable Subject Matter

21.   **Claims 8-32, 34 objected to as being dependent upon a rejected base claim,**

but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims, further correcting for the

101 rejection applied above. Referring to claim 8-20, the prior art does not teach or

fairly suggest in light of the parent claims, a version component defining a version of a

protocol used to define the error event; a class component defining a name of the error

event using the hierarchical organization of the error event; an error numeric association

component uniquely identifying the error event; a detector component identifying a

resource that detected the error; and a recoverable component indicating whether the

error handler designated the error as recoverable.

22.   Referring to claim 21-32, the prior art does not teach or fairly suggest a version

component defining a version of a protocol used to define the fault event; a class

component defining a name of the fault event using the hierarchical organization of the

fault event; a diagnosis engine identifier component identifying a diagnosis engine used

to obtain the fault; an error numeric association list component including at least one

error numeric association; an automatic system reconfiguration unit component defining

a unit that may be reconfigured in response to the fault; a resource component defining

a finest-grain resource identified by the diagnosis engine; a field replaceable unit

component defining a unit that must be repaired to clear the fault; and a certainty

component identifying a level of certainty attributed to the fault diagnosed by the

diagnosis engine.

23.   Referring to claim 34, the prior art does not teach or fairly suggest the suspect list

comprises: a universal unique identifier component identifying the suspect list; a

diagnosis engine identifier component identifying a diagnosis engine used to diagnose

the error event that subsequently generated the fault event; and a fault-events

component listing the fault event.

24.   **Claims 38-62, 64 objected to as being dependent upon a rejected base**

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. Referring to claim 38-62,

the prior art does not teach or fairly suggest in light of the parent claims, a version

component defining a version of a protocol used to define the error event; a class

component defining a name of the error event using the hierarchical organization of the

error event; an error numeric association component uniquely identifying the error

event; a detector component identifying a resource that detected the error; and a

recoverable component indicating whether the error handler designated the error as

recoverable. Claim 53, further objected as having rejected matter under 112, above.

25.   Referring to claim 64, the prior art does not teach or fairly suggest the suspect list

comprises: a universal unique identifier component identifying the suspect list; a

diagnosis engine identifier component identifying a diagnosis engine used to diagnose

the error event that subsequently generated the fault event; and a fault-events

component listing the fault event.

Conclusion

26.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See notice of references cited.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gabriel L. Chu whose telephone number is (571) 272-

3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gabriel L. Chu
Examiner
Art Unit 2114

gc